

Commercial Motor Vehicle Enforcement Quarterly



July 2008

Captain's Corner

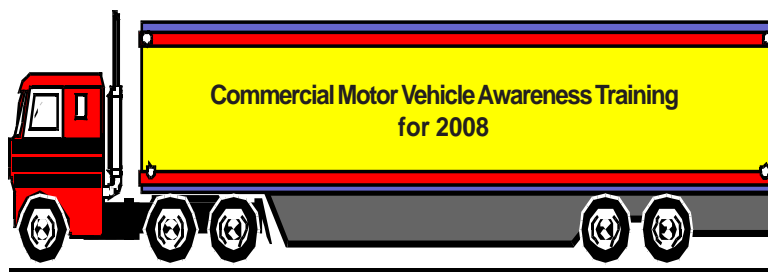
Captain Robert R. Powers, Jr.

It is time to begin developing nomination applications for the 2008 Michigan Association of Chiefs of Police (MACP) Award for Excellence in Commercial Vehicle Safety. Although it is just mid-summer the November 15, 2008 deadline for nominations will be here before we know it.

There is great news about the MACP award this year. I am very excited to announce that for this year's awards we have reinstated the \$6,000 equipment prizes for the winner in each category. Details about the categories, the prizes, the criteria upon which the nominations will be judged can be found at the following website: www.michiganpolicechiefs.org/page/cfm/43. Award applications can also be downloaded from this website.

While you are on the MACP website I also encourage you to view the information pertaining to the 2008 MACP Award for Excellence in Traffic Safety. While this separate award does not pertain specifically to commercial motor vehicles, it does cover a wide variety of traffic safety issues that may also involve commercial vehicles.

The MSP Traffic Safety Division recently wrapped up five Basic Commercial Motor Vehicle Enforcement Awareness classes. A total of 112 local, county and state law enforcement officers took advantage of this training opportunity. To all who attended and to those agencies that sent officers, I want to thank you for your commitment to commercial vehicle enforcement and safety. Working together we can truly make a difference.



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General Enforcement

Dyed Diesel Fuel

With the increased cost of diesel fuel, the State Police is experiencing a significant increase in dyed diesel fuel arrests in the past three months. It is extremely important officers check each diesel powered truck they stop for red dyed diesel fuel.

Motor Fuel Tax Act 403 of 2007 section 207.1122 reads that a person shall not operate or maintain a motor vehicle on the public roads or highways of this state with dyed diesel fuel in the vehicle's fuel supply tank. The diesel fuel is dyed red by the oil companies and fuel distributors so non-taxed fuel can be readily identified.

The dyed diesel fuel is purchased for off-road operations. For example; farm operations with implements of husbandry, excavating operations with heavy equipment, and construction companies with equipment not operated over the roadway. Common slang names for dyed diesel are off-road diesel or farm diesel.

The cost of the dyed diesel fuel is less than normal road diesel. The road diesel has a clear and greenish color or tint to it when pulled up into a test straw. The off-road dyed diesel is red in color with a pink tint.

Corn Blend Bio-Diesel vs. Red Dyed Diesel
(a.k.a. off-road)



Soy Bean Bio-Diesel vs Red Dyed Diesel
Animal Fat Bio-Diesel (a.k.a. off-road)



The photos above show the color contrast of bio-diesel fuel blends and the red dyed diesel fuel. The containers on the left in each photo are bio-diesel blends which are legal for off and on road operation. *The containers on the right are red dyed diesel fuel which is illegal for on-road vehicle operation.* The diesel fuel refined from crude oil is not pictured, however, it does have a slight greenish tint and it is clearly not red dyed diesel shown in these photos.

The violations are cited under MCL section 207.1122 (6104) for "Dyed Diesel Fuel in MV on Public Road." The violations for illegal use are incremental with the first two violations within 12 months being a \$200 civil penalty. If a third violation is cited within 12 months the person is subject to a civil penalty of \$5,000.

Officers are encouraged to read MCL section 207.1122 to familiarize themselves with the limited exemptions allowing the use of dyed diesel fuel.

The Michigan Department of Treasury is asking that information regarding violations be forwarded to them at: Michigan Department of Treasury, Technical Service Division P.O. Box 30698, Lansing, MI 48909-8198. Send them attention Lori McClure. For further information contact the MI Depart. of Treasury at (517) 636-4580 or www.michigan.gov/treasury.

General Enforcement Continued

Departments can obtain fuel straws for dipping fuel tanks from the following vendor: Southeastern Liquid Analyzers, Inc. (SELA), 308 W. Liberty St. York, SC 29745 or telephone (800) 888-7352 www.selainc.com.

SELA has 2 sizes to choose from:

Item # GP30 is a 30 inch pipette. Cost is \$50 per case plus shipping. There are 200 straws in a case.

Item # GP60 is a 60 inch pipette. Cost is \$96 per case plus shipping. There are 200 straws in a case.

Inspection

Level VI Inspectors

Effective July 1, 2008 an item will be added to the Level VI Inspection procedures and Level VI Out-of-Service Criteria and the CVSA Inspection. The additional item will require an inspection of the antilock brake system (ABS) on commercial vehicles transporting transuranic and Highway Route Controlled Quantities (HRCQ) of radioactive materials as defined in 49 CFR Part 173.403.

Presently, the ABS system check is not an OOS item on the NAS Level 1 inspection, only Level VI. CVSA Bulletin 2007-02 provides inspection information regarding the antilock brake systems.

Vehicle Code

Child Restraint System

Effective July 1, 2008 amendments to MCL 257.710e require children that are at least age 4 but not yet age 8, and under 4'9" tall to be properly secured in an approved child restraint system. Once a child reaches the 8th birthday, or 4'9", he/she is eligible to ride in a regular seating position. Children under age 4 will still be covered by MCL 257.710d, and are not affected by these changes.

Child safety advocate groups frequently refer to this law as the "booster seat law." The term "booster seat," however, does not appear in the statute. While an age/height/weight appropriate restraint system will often be some form of a booster seat, a child may still be required to be in a harness under some circumstances. This is especially true for seating positions where there is only a lap belt and no shoulder belt. Booster seats cannot be used in seating positions with only a lap belt.

"Properly secured" means the restraint system must be used according to the manufacturer's specifications, and must be age/height/weight appropriate for the child. The new law does not include an upper weight requirement, as several other states have.

Finally, the exception for "more children than there are safety belts available for use" in subsection (5) applies only to children from age 8 to 16, and does not apply to children required to be secured in an approved child restraint system.

Please contact Sgt. Lance Cook at 517 336-6660 directly if you have questions or need additional information.